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BV Rights Anstalt, a Liechtenstein
6 establishment

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 WHEREAS, on May 16, 2005, Abaxis, Inc. ("Abaxis") filed a Motion to Strike
19 Portions of Second Amended Complaint (the "Motion" and set it for hearing on July 8, 2005;

WHEREAS, BV Rights Anstalt (“BV Rights”) has agreed to address the issues raised in the Motion by amending the operative complaint in the form of a Third Amended Complaint, a true and correct copy of which is attached hereto as Exhibit 1;

WHEREAS, the parties stipulate to the filing of the Third Amended Complaint, in the form attached hereto as Exhibit 1;

IT IS THEREFORE STIPULATED AND AGREED by and between plaintiff and counter-defendant BV Rights on the one hand, and defendant and counter-claimant Abaxis, Inc. on the other hand, by and through their respective counsel, as follows:

1. BV Rights shall file at once its Third Amended Complaint; and

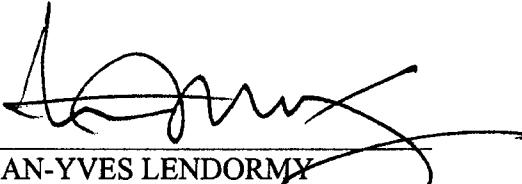
1 2. Upon the filing by BV Rights of its Third Amended Complaint, Abaxis'
2 pending motion to strike portions of BV Rights' second amended complaint (which is currently set for
3 hearing at 10:00 a.m. on July 8, 2005 in Courtroom 1) shall be removed from the Court's calendar.
4 Abaxis shall timely respond to BV Rights' Third Amended Complaint.

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6 Dated: June 24, 2005

7 LUSCUTOFF, LENDORMY & ASSOCIATES

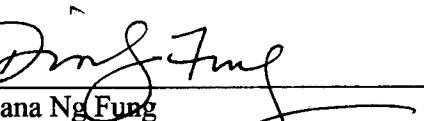
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9 By: 
10 JEAN-YVES LENDORMY
11 Attorney for Plaintiff and Counter-Defendant BV
12 Rights Anstalt

13 Dated: June 27, 2005

14 DLA PIPER RUDNICK GRAY CARY WARE US LLP

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16 By: 
17 Diana Ng Fung
18 Attorney for Defendant and Counter-Claimant
19 Abaxis, Inc.

20 \cmp\3rd\stip



6/28/05